

Message Text

LIMITED OFFICIAL USE

PAGE 01 PARIS 18074 201647Z

ACTION EB-07

INFO OCT-01 EUR-12 IO-13 ISO-00 L-03 FRB-03 OMB-01

ITC-01 SP-02 USIA-06 AGRE-00 AID-05 CIAE-00

COME-00 INR-07 LAB-04 NSAE-00 OIC-02 EPG-02

SIL-01 STR-04 TRSE-00 CEA-01 OES-07 /082 W

-----014318 202131Z /44

R 201618Z JUN 77

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 4402

INFO USMISSION GENEVA

USMISSION USUN

LIMITED OFFICIAL USE PARIS 18074

USOECD

E.O. 11652: NA

TAGS: EINV OECD

SUBJ: UNCTAD CODE OF CONDUCT FOR TRANSFER OF
TECHNOLOGY: GROUP B DISCUSSION DURING MEETING OF OECD
COMMITTEE ON MULTINATION ENTERPRISES OF COMMITTEE ON
SCIENCE AND TECHNOLOGY FOR DEVELOPMENT, JUNE 14-16.

1. SUMMARY. DURING THREE FULL DAYS OF MEETINGS OF
SUBJECT COMMITTEE, GROUP B COUNTRIES DISCUSSED
STRATEGY AND ISSUES FOR NEXT MEETING OF UNCTAD INTER-
GOVERNMENTAL GROUP OF EXPERTS ON A CODE OF CONDUCT
FOR TRANSFER OF TECHNOLOGY (JULY 25-28). DETAILED,
AND AT TIMES BORING, DISCUSSIONS WERE HELD ON THE
OBJECTIVES AND PRINCIPLES, SPECIAL TREATMENT FOR LDCS
AND NATIONAL REGULATION SECTIONS OF THE CODE. THESE
RESULTED IN TENTATIVE GROUP B AGREEMENT ON MOST ISSUES,
INCLUDING A NEW TEXT APPROVED AD REFERENDUM ON NATIONAL
REGULATION. END SUMMARY.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PARIS 18074 201647Z

2. OBJECTIVES AND PRINCIPLES: GROUP B IDENTIFIED THOSE
ISSUES ON WHICH WE MUST TAKE A FIRM STANCE. THESE
INCLUDE:

A) WE CANNOT ACCEPT THE CONCEPT THAT TECHNOLOGY IS THE
UNIVERSAL HERITAGE OF MANKIND AND ACCESS TO IT IS AN
ABSOLUTE RIGHT. IF THE G-77 DO NOT MOVE OFF THIS LINE,
GROUP B, IN ADDITION TO NOT ACCEPTING THIS LANGUAGE,

WILL ALSO BE COMPELLED TO COUNTER WITH LANGUAGE WHICH GIVES THE SUPPLIER OF TECHNOLOGY THE RIGHT TO REFUSE ACCESS IF HE SO CHOOSES.

B) GROUP B INSISTS ON THE PRINCIPLE THAT MUTUAL BENEFITS MUST ACCRUE TO TECHNOLOGY SUPPLIERS AND RECIPIENTS IF TECHNOLOGY TRANSFER IS TO PROSPER. LIKEWISE, GROUP B IS INSISTENT ON PROVISIONS RELATED TO FREEDOM OF THE PARTIES TO NEGOTIATE, RESPECT FOR INDUSTRIAL PROPERTY RIGHTS, RESPECT FOR INTERNATIONAL LAW AND FAIR DISPUTE SETTLEMENTS ARRANGEMENTS. WITHOUT THESE, WE DO NOT SEE PROSPECTS FOR AGREEMENT ON THIS SECTION OF THE CODE.

C) IN EXAMINING OTHER ITEMS IN OBJECTIVE AND PRINCIPLES, GROUP B WAS UNABLE TO FIND SIGNIFICANT AREAS WHERE AGREEMENT COULD BE REACHED WITH THE G-77, BASED ON PRESENT G-77 TEXT.

3. CONCERNING THE CHAPTER ON NATIONAL REGULATION, GROUP B PRODUCED A NEW DRAFT TEXT WHICH ENDEAVORS TO MAKE SOME MOVEMENT TOWARD THE G-77, THE G-77 TEXT ENUMERATES SPECIFIC LEGISLATIVE PROVISIONS, SUCH AS LAWS PROVIDING FOR RENEGOTIATION OF CONTRACTS, WHICH GOVERNMENTS MAY ENACT. US AND SEVERAL OTHER DELS STRONGLY OPPOSED THIS APPROACH, WHILE NORDICS WERE MORE SYMPATHETIC. GROUP B DRAFT LISTS GENRAL PRINCIPLES APPLICABLE TO NATIONAL REGULATION AND THEN LISTS BROAD TYPES OF LEGISLATION TO WHICH THE PRINCIPLES LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 PARIS 18074 201647Z

WOULD APPLY, SUCH AS LEGISLATION "DEALING WITH REGULATION OF FLOW AND EFFECTS OF TRANSFERRED TECHNOLOGY". US DEL AND OTHERS CLEARLY STATED THAT GROUP B TEXT WAS TOTALLY AD REFERENCUM, WITH US MAKING ADDITIONAL POINT THAT SHOULD NEW DRAFT GO FORWARD AND G-77 NOT MODIFY THEIR POSITION, WE WOULD PERHAPS INSIST THAT GROUP B GO BACK TO ORIGINAL TEXT. NORWAY AND FINLAND RESERVED THEIR POSITION, STATING THAT NEW TEXT DID NOT, IN THEIR VIEW, GO FAR ENOUGH TO MEET G-77.

4. SPECIAL MEASURES FOR LDCS. IT IS OUR HOPE THAT THIS SECTION HAS PROSPECTS FOR AGREEMENT WITH THE G-77. THE GROUP WORKED ON A GERMAN PAPER WHICH ENNUMERATES SEVERAL ITEMS FOR COOPERATION OR ASSISTANCE TO LDCS IN THIS FIELD. THESE ARE GENERALLY CONSISTENT WITH PREVIOUS US PSOITIONS ON THE TRANSFER AND DEVELOPMENT OF TECHNOLOGY.

5. REGARDING THE GENRAL STRATEGY FOR THE UNCTAD MEETING, I WAS AGREED THAT WE WILL FOCUS ON DEFINITIONS, OBJECTIVES AND PRINCIPLES, SPECAIL MEASURES FOR LDCS, RESTRICTIVE BUSINESS PRACTICES AND NATIONAL LEGISLATION.

IT WAS REPORTED FROM GENEVA THAT THE G77 WISH TO DRAFT
ON INTERNATIONAL COLLABORATION, AND IN THIS REGARD WILL
TABLE PROPOSALS FOR "INTERNATIONAL MECHANISMS" TO
ENFORCE OR AT LEAST MONITOR THE PROVISIONS OF THE CODE.
US TOOK THE POSITION THAT DISCUSSION OF SUCH PROPOSALS
IS INAPPROPRIATE UNTIL LEGAL NATURE OF THE CODE IS
DETERMINED. SALZMAN

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, COMMITTEE MEETINGS, TECHNOLOGICAL EXCHANGES, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Sent Date: 20-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PARIS18074
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770220-0152
Format: TEL
From: PARIS USOECD
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770639/aaaabikj.tel
Line Count: 123
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 886ee779-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 02-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2093370
Secure: OPEN
Status: NATIVE
Subject: UNCTAD CODE OF CONDUCT FOR TRANSFER OF TECHNOLOGY: GROUP B DISCUSSION DURING MEETING OF OECD COMMITTEE ON MULTINATION ENTERPRISES OF COMMITTEE
TAGS: EINV, OECD
To: STATE
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/886ee779-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009